IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2317 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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TRANSPORT MANAGER

Versus

MANJUR AHMED HUSSAINMIYA

Appearance:

Mr.Kuriel for M/s TANNA ASSOCIATES for Petitioner.

MR VM DHOTRE for Respondent No. 1

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 18/07/2001

ORAL JUDGEMENT

Mr.Kuriel, learned advocate for the petitioner produced an application for amendment, which is taken on record and is granted.

2. Rule. With consent of the parties, the matter is taken up for final disposal. The petitioner, Ahmedabad

Municipal Transport Service (AMTS) has challenged the award passed by the Industrial Tribunal, Ahmedabad in Reference (IT) No.177 of 1994 dated 10.10.2000. The Industrial Tribunal has quashed and set aside the order of punishment of stoppage of one increment with future effect on the ground that the petitioner has not produced any papers of inquiry and has then given a Purshis that they do not lead any documentary evidence. Taking into consideration the facts of the case that the respondent workman was charged with deliberate late reporting on 5.5.1997 on route no.64/2, Bus No.176, that during the said 10 minutes the petitioner was required to call for another driver to ensure that the Bus is operated in time.

3. Mr.Kuriel for the petitioner has produced service record of the respondent workman along with the amendment. However, at this stage the whole thing may not be required to be taken into consideration.

4. Be that as it may, the interest of justice would be served if the impugned award is varied to the effect that the respondent workman be imposed punishment of stoppage of one increment without future effect. The award is modified to that extent.

5. The petition is allowed to the aforesaid extent only. Rule is made absolute accordingly. No order as to costs.

(Ravi R. Tripathi, J.)

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